

Committee Room,

Austin, Texas, April 15, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 347, a bill to be entitled "An act to render more efficient and effective the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria and Wharton, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within said respective counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out in the caption the word "and" where it occurs after the word "Brazoria" and insert after the word "Wharton" in the caption the following, "Victoria and Calhoun." Strike out in section 1 the word "and" where it occurs after the word "Brazoria" and insert after the word "Wharton" in said section 1 the following, "Victoria and Calhoun counties." Strike out in section 6 the word "the" where it occurs after the words "and to fender" and insert in lieu thereof the word "it."

WAYLAND, Chairman.

Committee Room,

Austin, Texas, April 15, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Printing, to whom was referred

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992) and article 4227 (3999) of the Revised Statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the accompanying amendments, and as thus amended recommend that the bill do pass.

Amend by adding at the end of section 2, after the word "government," the following:

"Provided, that in case the Board of Public Printing is satisfied that there is any combination or trust formed by the printing companies of this State, or any of them, by means of which the cost of the State printing is materially increased beyond the

cost of such printing if done out of the State, then the said board shall contract with parties out of the State to do the public printing provided for in this act, except the current printing of the Legislature."

Amend by adding section 3, to read as follows:

"Sec. 3. The fact that there may be a large amount of public printing to be done for the State under the provisions of this act, and the further fact of the crowded condition of the calendars and the near approach of the adjournment of this session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house should be suspended, and an emergency exists that this act should take effect and be in force from and after its passage, and it is so enacted."

TILLET, Chairman.

On motion of Senator Wayland, the Senate adjourned to 10 a. m. to-morrow.

SEVENTY-THIRD DAY.

Senate Chamber,

Austin, Tex, Friday, April 16.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yett.
Lewis.	

Absent.

Bailey. Terrell.

Neal.

Excused.

Yantis.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Thou hast been our dwelling place in all generations: help

us this morning to realize that they who dwell in the secret place of the Most High shall abide under the shadow of the Almighty. Give us hearts so filled with reverence and love for Thee that we can say, Thou art our refuge and our fortress; in Thee will we trust. May our sense of security in Thee be so strong that we can realize that "the angel of the Lord encampeth round about them that fear Him, and delivereth them." Have mercy upon us, oh, God, according to Thy loving kindness, according unto the multitude of Thy tender mercies blot out our transgressions. May the words of our mouths and the meditation of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Ross,

Senator Terrell was excused from attendance on to-day and to-morrow, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Stone:

Petition from citizens of Elgin, Texas, and vicinity, praying for relief against butterine and oleomargarine.

Read and referred to Committee on Public Health.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 15, 1897.

Hon. George T. Jester, President of the Senate:

As chairman of the committee appointed by the Senate of the Twenty-fifth Legislature of Texas to visit the State Reformatory, penitentiaries, the State farms, coaling camps, etc., I beg leave to report on conditions at the Reformatory, as follows:

I reached Gatesville, in Coryell county, on March 8, and spent two days at the Reformatory, which is situated two miles north of Gatesville in the beautiful and fertile valley of the Leon, and made as thorough inspection and investigation into conditions of that institution as was possible in so short a time. The farm consists of 640 acres, 400 of which is tillable and in fine condition and state of cultivation. The remaining 240 acres are only fit for pasture purposes, and are so used. There are some 30 head of milch cows; some thoroughbred Jerseys, and the others graded Jerseys

—all well sheltered and fed, and at this time in excellent condition. The Superintendent stated to me that the average daily product of milk therefrom was 30 gallons, and from which a good supply of butter (daily) was obtained, and that the boys in the Reformatory were furnished with an abundant supply of each. This the boys denied to me in private conversation, stating that they only got an occasional glass of milk, and that butter was only served to them two or three times a week; and, of course, I was powerless to obtain the truth or falsity of the claim. I can say, however, that I looked over the table in the dining room, while the boys were at supper, and failed to discover either milk or butter. Milch cows are cheap in Texas, and milk and butter is a very healthy diet; therefore, in my opinion these boys should be given plenty of both. Indeed, I was not at all favorably impressed with the fare furnished at supper, aforementioned, which consisted of coarse corn bread, black inferior molasses, and stewed bacon—and this the boys told me was a fair average meal, and that they seldom had flour bread of any kind, and that they had not enough even of the kind furnished. Of course, boys restrained of their liberty are prone to complain, and doubtless exaggerated to some extent, but I think it well enough for these matters to be looked into more closely by the State authorities and by all future Legislatures.

The Reformatory owns some 20 good mules, all in good condition; also, a large herd of Poland China and Berkshire hogs, in a healthy, growing condition; about 100 of the latter will be fine killing hogs by next winter.

The buildings at the Reformatory consist of two three-story brick buildings, used as dormitories, one for the white and the other for the colored youths (there are 91 of the former and 81 of the latter, or a total of 172), and a neat frame cottage occupied by the Superintendent and family. The two dormitories mentioned are wholly inadequate to properly care for the number of boys now on hand. They are too much crowded in their sleeping compartments to admit of good sanitary conditions, and the odor met with on entering said compartments is a strong reminder of a cage occupied by wild animals; notwithstanding, the Superintendent told me that these rooms were scoured every morning. These conditions could, in my opinion, be much improved by a more

frequent use of soap and water, together with a more frequent change of clothing and cleaner garments for the inmates to sleep in. If it be true that "cleanliness is next to godliness," then these unfortunate boys are "afar off" in that direction, and should be furnished with ample bathing facilities, more frequent changes of clean clothing, and by all means clean garments to sleep in. It is my candid opinion that too much economy is being practiced in the way of furnishing food, clothing, bedding, sleeping rooms, bathing facilities and literature to these boys, and that the great State of Texas should make ample provision to properly care for them, and that they be treated very humanely, and that all proper moral and religious influences be thrown around them; otherwise, the name "reformatory" is a misnomer, and the good intentions of the Legislature in providing for such an institution, where the erring youths of our State can be reformed and made useful citizens, will prove a failure. To obtain good results, it will be necessary, in my judgment, to remove every semblance of a penitentiary, and that the Reformatory be made more home-like, and these youthful criminals brought to understand that the people feel great interest in their future welfare. Of course, discipline is necessary, but brute force should not be tolerated by the State, nor should any man be employed at this institution who is not of the highest moral character; and just here let me say that I was informed by the boys that several of the guards now employed at the Reformatory curse and use very bad language, and that they sometimes get flogged unmercifully by these guards and sergeants when away from the superintendent. This should not be allowed. I so stated to Captain McGuire, and he told me he was quite sure the boys had told a falsehood, and that he never allowed any one of them to be whipped unless he was present, and that he directed the number of blows and the manner of giving them. It is my opinion, however, that there is truth in what the boys said, as they certainly would not all have lied, but I am convinced that Captain McGuire does not know of these things. The boys all spoke in the highest terms of Captain McGuire, and said if he was always personally present they would receive kind treatment. I regard Captain McGuire, the Superintendent, as a most excellent and worthy old gentleman,

and am confident that he has done the best he could under the circumstances and with the appropriation heretofore made.

The chapels of both buildings are too small to accommodate the number of pupils, and are very poorly furnished, and the libraries in each consists of but a few volumes and of a very cheap character, nor are the pupils furnished with sufficient books in the literary schools; besides, the standard of grades taught is too low to meet the demands of pupils who could take instruction in more advanced studies. Profs. J. C. Harrell and J. H. Osborne are employed as teachers, the former of the white, the latter of the colored youths. They teach six days each week and seven hours each day, besides being with the boys on Sunday, and in the Sunday-school. They receive \$35 per month, each, which I consider too small a salary for the work done, as they are not furnished homes at the institution, but live in Gatesville, two miles away. Therefore, I recommend that they be paid each \$50, and that the grades in these schools be raised so as to accommodate such pupils as may be sufficiently advanced to require a higher grade of studies than those now taught.

The State has not a sufficient amount of farm lands at the Reformatory to make it self-sustaining, or to keep the boys employed. Indeed, there is less than three acres to each boy in cultivation. They could cultivate at least ten acres each, and then have ample time for study, recitations in school and rest, and it would pay the State, in my judgment, to at once purchase 1000 acres of tillable land for cultivation, and the same amount of wooded land, off of which to procure wood for the institution, and to be added to the farm after the timber has been used off. By increasing the farm from 400 to 1400 acres, this institution could easily be made self-sustaining; whereas, under present conditions, the loss to the taxpayers annually is some \$18,000 or more; besides, better discipline can be maintained among the boys by keeping them together, on the home farm, than scattering them around, as now, over a distance of from five to eight miles, and working them away, where the Superintendent can not know how they are worked or treated by the guards in charge of them; better quarters can be furnished the boys for sleeping, and for chapel and school purposes, and sufficient room for all purposes by the erec-

tion of two frame or boxed buildings, one for white and one for colored youths, in the yard near the present dormitories, to be used as dining or mess halls, and then utilize the present chapel for bed rooms, and the present dining rooms for chapels and school rooms. I, therefore, recommend an appropriation of \$1000 for that purpose.

A sanitarium, say 40x60 feet, 4 feet deep, could be sunk in the yard near the dormitories, wherein all the boys could be required to bathe frequent enough to keep them in a cleanly and healthy condition. It would only be necessary for the State to make an appropriation of sufficient amount to purchase cement and lumber to cover cost of the sanitarium, as there is ample force idle at the Reformatory to do the work of excavating, laying cement and the carpenter work; \$1000 would, perhaps, be sufficient to buy said material.

I believe it the better policy to spend more money in caring for and proper training of boys than to let them become hardened criminals in later life, requiring heavy expense in the trial courts and in providing additional penitentiaries and other places of confinement and punishment. And as one very important means of encouraging these boys to reform, I would respectfully suggest that they be divided into three classes:

That class 1 be composed of those whose deportment at the expiration of the first three months from entry in Reformatory is perfect, and that some neat, plain uniform be adopted for this class, but that no stripes be placed on these suits; and that these boys be kept in a separate sleeping department from the second and third classes, and that they be given some better fare at meals and be served at a separate table from classes 2 and 3.

That class 2 be composed of those boys whose deportment at the expiration of the first three months is not perfect, but who have not more than ten demerits marked against them; that some uniform be adopted for this class.

That class 3 be composed of the boys who have more than ten demerits marked against them; that they have the figure "3" stamped on their suits, on the breast and back of same.

That each working day that these boys are engaged in work be credited on a personal account to be kept by the bookkeeper of the Reformatory, and as reported to him by the Superintendent, with each boy, as follows:

To class 1, 10 cents per day; to class 2, 7 cents per day; and to class 3, 5 cents per day; said amounts to be paid over to these boys at the time of their discharge, that they may be able to maintain themselves until they can obtain employment.

That at the expiration of each three months the Superintendent be required to examine the record of conduct of each boy, and that those in class 2 who have a perfect record for the past three months be advanced to class 1, and thereafter be entitled to all the privileges and benefits thereto attached. That those of class 3 whose record for the past three months shows that they have not received more than ten demerits, be advanced to class 2, and that thereafter they be entitled to all the privileges and benefits attached thereto. Allowing every boy a chance to advance from class 3 to class 1 by good conduct, and to receive higher wages as he advances from the one class to the other. Also, that by bad conduct any boy from a higher class can retrograde as follows: Any of class 1 who shall have received five demerits during any three months to be returned to class 2, and that any of class 2 who receive ten demerits during any three months to be returned to or placed in class 3; every three months being the test and standing of each and every boy.

I would also recommend that the time of servitude of these boys, where they are not pardoned by the Governor at an earlier date, be regulated as follows: That class 1 be given a deduction of one-half of the time specified in the sentence of the trial court; that class 2 be given a deduction of one-third of the time specified in the sentence of the trial court.

In conclusion, I wish to say that I was surprised to find so little interest taken in the salvation of the souls of these boys by ministers of the Gospel of the different denominations living near the Reformatory; here is certainly a fine field for labor by those claiming to be called of God to preach. I inquired of the Superintendent if these ministers had been invited to preach for and hold other religious services with these boys, and he said they had, but that so far had failed to do so. The State pays one minister, who has been appointed chaplain for the Reformatory, \$200 per annum to preach to the boys two Sundays in each month, and perhaps that fact accounts for the failure and refusal of other

ministers to preach at the Reformatory.

I was glad, however, to learn that the Christian women of Gatesville (as they are doing all over Texas) were "proving their faith by their works," and that they go out to the Reformatory every Sabbath evening and hold Sunday-school with these boys, and their going will doubtless have a good influence over these wayward boys and do much toward reforming them.

I recommend that no appropriation be made to pay a chaplain to preach to these boys, and that ministers of all denominations be invited to visit this institution and hold religious services with the boys.

Respectfully submitted,

T. E. BOREN.

Committee Room,

Austin, Texas, April 15, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution No. 16, requesting the Texas delegation in Congress to secure the passage of an act indemnifying certain citizens of Washington county, Texas, for spoliations by United States soldiers.

And find the same correctly enrolled, and have this day, at 12 m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 15, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution No. 22, granting to the Eighth Texas Cavalry, known as Terry's Texas Rangers, the right to place in the capitol grounds a monument to their heroic dead.

And find the same correctly enrolled, and have this day, at 12 m., presented the same to the Governor for his approval.

ROGERS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kerr:

Senate joint resolution No. 14, to amend section 3 of article 5, of the Constitution of the State of Texas, so as to empower and require the Supreme Court of the State of Texas to pass upon all laws and amendments to laws passed by any session of the

Legislature, and determine whether or not such laws or amendments to laws are in conflict with the Constitution of the State of Texas, before such laws become effective.

Read first time and referred to Committee on Constitutional Amendments.

Call concluded.

Senator Stafford moved to suspend the regular order of business to take up, on second reading,

Senate bill No. 362, a bill to be entitled "An act to amend article 1537 of chapter 2, title 32, of the Revised Civil Statutes, adopted and established by the Twenty-fourth Legislature in regular session in 1895, relating to the powers and duties of commissioners courts."

Lost.

SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violation of the provisions of this act, and declaring an emergency."

Action being on the substitute offered by Senator Beall for the amendment offered by Senator Ross (see Journal of April 9), they being as follows:

By Senator Ross:

Amend by striking out all after line 5, page 1, and insert the following:

An act creating a State text-book board and county text-book boards, defining the powers and duties thereof, and to authorize and to provide for the adoption, by the several counties of the State, respectively, of a uniform series of text-books, to be used in the public free schools in the respective counties, and to provide penalties for the violation of this act, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State text-book board, composed of the members of the State Board of Education, is hereby created, and that the State Superintendent of Public Instruction is hereby made secretary of said board.

Sec. 2. Within thirty days after the passage of this act it shall be the duty

of the secretary of the State text-book board to correspond with not less than twenty-five of the principal publishers of school text-books in the United States, so far as he may be able to ascertain, and solicit of said publishers proposals in accordance with the provisions of section 3 of this act, to furnish school books to be adopted for use in the public free schools of the State of Texas, as herein required.

Sec. 3. All school book publishers who desire to have their books placed upon the State text-book list, as herein provided, shall, before the day of the meeting of the said State text-book board, as hereinafter provided, for the purpose of making up the State text-book list, file with the secretary of the said board a receipt conditioned, as hereinafter required, from the Treasurer of the State of Texas, showing that the said publisher has deposited with the State Treasurer the sum of five hundred dollars (\$500), as hereinafter required, and a sealed proposal, showing the lowest net prices at which the said publisher will contract and agree to furnish his books, for cash, to the boards of public free school trustees of the State of Texas, or the agent or agents, or dealer or dealers, appointed by the county text-book boards, as hereinafter provided for. Said proposals shall be accompanied with specimen copies of all books offered for consideration by the State text-book board, and also a sworn statement of the said publisher, or duly authorized agent, to the effect that the prices contained in his proposal to the State text-book board are as low as he, the said publisher, sells the same books under any State, county, township, city or district contract in the United States. Before the said State text-book board shall consider the proposal of any publisher, said publisher shall be required to deposit with the Treasurer of the State of Texas, who shall give said publisher a receipt for the same, the sum of five hundred dollars (\$500), conditioned that the said publisher will enter into a good and sufficient bond, with two or more good and solvent sureties residing in the State of Texas, to be approved by the Governor, payable to the State of Texas in the sum of five hundred dollars (\$500) for the faithful performance of all contracts he may make with county judges, as hereinafter required, which said bonus shall forthwith be filed with the secretary of the State text-book board and inure to the benefit of all parties interested

therein, and shall not become void after one recovery thereon, but may be sued upon one or more times until exhausted. In case the publisher should refuse to enter into bond, as herein required, within 90 days after he shall have been notified, as hereinafter provided, then said deposit of five hundred dollars (\$500) shall revert to the permanent free school fund; but should said publisher enter into bond, as herein required, then said deposit shall be returned by the Treasurer to the publisher so depositing the same; but in no case shall such deposit be returned until a certificate of the secretary of the State text-book board, showing that such publisher has made such bond, has been filed with the State Treasurer.

Sec. 4. Ninety days after the passage of this act, and every succeeding five years thereafter, and at such intervening times as directed in this act, it shall be the duty of the State text-book board to meet, and after receiving from its secretary proposals from publishers to furnish school books, as herein required, they shall thereupon prepare a list of text-books from the books contained in such proposals, upon all those subjects required to be taught in the public free schools of the State of Texas; said list to be known as the State text-book list. The said State text-book list shall contain all suitable books on each subject offered which are required to be taught in the public free schools of the State of Texas, and in preparing said list due attention shall be given to literary excellence, quality of paper, binding and prices; provided, that no history or other text-book of partisan, sectional or sectarian character shall be placed upon the said State text-book list; provided further, that the board may meet twice each year and add to this list any new book or books considered by the State text-book board as especially meritorious. Within twenty days after the completion of the State text-book list, and every supplemental list, it shall be the duty of the secretary of the State text-book board to prepare and transmit to each county judge of this State a printed schedule of all books upon said State text-book list and supplemental list, giving the name and description of each book thereon, the lowest net price of the same, and the name and postoffice address of the publisher thereof.

Sec. 5. Thirty days after the State text-book board has completed a State text-book list, the county commission-

ers court of each county in the State shall meet and elect a county text-book board. This board shall consist of five teachers holding first grade certificates, one from each commissioners' precinct when practicable, and one from the county at large; provided, that no teacher shall be elected a member of the county text-book board unless he has been a resident of the county at least twelve months prior to the date of his appointment; provided further, that in case there are not a sufficient number of teachers holding first grade certificates in the county possessing the other qualifications herein required, teachers holding second grade certificates shall be chosen, and if there are not a sufficient number of teachers holding second grade certificates possessing the other qualifications herein required, then the county commissioners' court shall elect five reputable, intelligent citizens of the county as the county text-book board. The county judge or county superintendent, as the case may be, is hereby made secretary of the county text-book board, but he shall not be allowed to vote on the adoption of any book. In case of death, resignation, failure or refusal of any member of the county text-book board to act, then it shall be the duty of the county judge to appoint someone having the necessary qualifications to fill the vacancy. Members of the county text-book board shall be elected and hold their office for the term of two years.

Sec. 6. It shall be the duty of the secretary of the county text-book board, within five days after the appointment of the members of said board, to notify such members of their appointment, and the date upon which said board will meet for the adoption of books, as herein provided. It shall be his duty, also, to send the secretary of the State text-book board the names and postoffice address of each member of the text-book board of his county, the same to be open to inspection. He shall also send the names and postoffice addresses of each member of the county text-book board of his county to all publishers whose books are upon the State text-book list. He shall also receive and be the custodian of all sample books and propositions from publishers to furnish books, and present the same to the county text-book board at their meeting for the purpose of adopting books. All propositions of publishers to supply such books shall be sealed, and shall not be opened until the county text-book board shall

meet for the purpose of considering the same.

Sec. 7. It shall be the duty of the county text-book board to meet at the county seat of their county on the third Tuesday in August, 1897, after the passage of this act, and select from the State text-book list a series of one book upon each subject required to be taught in the public free schools of the State of Texas. The books selected shall be used in all the public free schools of the said county to the exclusion of all other books, for a period of five years; provided, that after three years, and every year thereafter, the county judge may, upon a petition of a majority of the trustees, call together the county text-book board to make needed changes in text-books, but in no case shall the county text-book board adopt any book not listed upon the State text-book list; provided, that in no one year shall books be changed on more than 20 per cent of the subjects required to be taught by law in the public free schools.

Sec. 8. Immediately after the adoption of a list of books by the county text-book board, it shall be the duty of the county judge to enter into a contract with the publishers or publisher of the same, to supply the books so adopted for the schools of said county for a period of five years, or as long as said books are used by the county; provided, that no book so contracted for shall be at a higher cash price than stipulated in the State text-book list.

Sec. 9. Between the date on which this law goes into effect and the third Tuesday in August, 1897, inclusive, it shall be unlawful for any publisher, through any agent or agents, attorney or attorneys, to attempt to exert, either directly or indirectly, any influence for his book before any school book board, or any member thereof, or in any way attempt to influence any individual member of the same by or through any agent or attorney, or give or promise to give any money or any valuable consideration for the aid, support or influence of any person or persons, directly or indirectly, to be exerted on behalf of such publisher; provided, that this section shall not prohibit publishers from advertising through newspapers or circulars. Any publisher violating any provisions of this section shall have his books stricken from the State text-book list, and if a domestic corporation, its charter shall be forfeited, and if a foreign corporation its certificate of authority to do busi-

ness in the State of Texas shall be canceled and such foreign corporation shall not be allowed thereafter to have its books listed on the State text-book list. Any person who acts for any publisher, either as agent, attorney or otherwise, in the violation of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined in any sum not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) for each offense.

Sec. 10. Cities, towns and independent school districts having charge of their schools, and supported by local taxation, shall not be compelled to use the text-books adopted by the county; provided, that on the third Tuesday in August, 1897, following the passage of this act, the trustees of such cities and towns and independent school districts shall meet and adopt a list of text-books from the State text-book list, subject to the same rules and regulations as govern in the case of county text-book boards.

Sec. 11. Adoption of books made by the board of trustees of cities and towns and independent school districts, and by the county text-book board, in accordance with this act, shall not be reconsidered, altered or amended, except at such times and in such manner as has been provided for in this act.

Sec. 12. Eighteen months after the passage of this law, the books adopted by each county and town and independent school district, as herein provided, shall be in exclusive use in such county, town and independent school district; provided, that no county treasurer shall pay out any money apportioned or belonging to any school district which does not file with the county treasurer evidence that such school district seeking money has complied with the provisions of this act.

Sec. 13. The county commissioners court or trustees of the public free schools of the cities and towns and independent school districts, as the case may be, shall elect one or more dealers in each commissioner's district to handle these books for cost at an advance of not exceeding 20 per cent plus cost and carriage.

Sec. 14. In case any publisher whose books are adopted by any of the various county boards or trustees of independent school districts or cities shall desire to keep a depository in this State at some central point for

the convenience of its patrons, they shall be allowed to charge an advance of 10 per cent on contract prices to defray the expense of such depository.

Sec. 15. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

By Senator Beall:

Substitute for the amendment:

Amend by striking out all after line 5, page 1, of the bill, and insert in lieu thereof the following:

An act to provide for the adoption of school text-books by districts, school communities, independent school districts, and incorporated towns and cities, for use in the public free schools thereof in this State, to regulate contracts with publishers for such school text-books, to provide for the enforcement of such contracts, to provide for the distribution of such text-books, to forbid any member of a board of trustees accepting any agency, salary, commission or sum of money, by gift or otherwise, from any person, firm, association or corporation dealing in text-books, and to provide a penalty for the violation of any of the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That each board of trustees of the public free schools of this State shall have the exclusive control of the selection of text-books for use in its school or schools, and at any regular meeting of the board may determine by a majority vote of all its members the school text-books that shall be used by the school or schools under its control; provided, notice of said meeting has been given by publication in some newspaper in the locality, for at least ten days prior to said meeting, or if there be no newspaper so published, by written or printed notices posted on the doors of the school house or school houses in the territory under the control of the said board; and provided further, that after a book has been selected as aforesaid, it shall not be changed for a period of three years, except by the unanimous vote of said board, and at a meeting called for that purpose, notice of which has been published for the time and in the manner above provided, the expense of the publication of each of the said notices to be paid out of the county school fund allotted to said district, school community, independent school district or

incorporated town or city, as the case may be.

Sec. 2. Hereafter, before any publisher of school books, or agent thereof or other person, shall be permitted to enter into contract with any board of trustees of the public free schools of this State, under the provisions of this act, he shall file in the office of the State Superintendent of Public Instruction copies of the latest and best edition of such school books published by him, or for which he is agent, as are used, or that he offers for adoption for use in the schools of this State, together with (1) a statement of the cash prices at which such books will be delivered in single copies, or in quantities sufficient to supply the school, to the trustees or to the patrons of the school, by express or mail prepaid; (2) a statement of the cash prices at which said books will be furnished from a depository, which the publisher shall establish in some city within this State; (3) a statement of the lowest cash prices at which he will furnish such books from his home office; the statements to be accompanied by an affidavit of said publisher, or of said agent, or of such other person as the case may be, that such prices are as low as he sells the same book or books to the city of New York, the city of Philadelphia, the city of St. Louis, the city of Baltimore, or to the States of Nebraska or Minnesota, these cities and States having contracts with the publishers to furnish the books used therein respectively. The said publisher or other person seeking to contract with boards of trustees shall also submit to the State Superintendent of Instruction of this State to be approved by him, a good and sufficient bond, signed by at least three solvent sureties, in the sum of not less than thousand dollars, and not more than fifty thousand dollars, to be fixed by the State Superintendent of Public Instruction, conditioned that the said publisher or other contracting person will faithfully perform any contracts made by him with trustees of the public free schools of this State, and for the faithful observance of the requirements of this act; and it shall not be lawful for any board of trustees in this State hereafter to contract with any publisher or agent thereof, or other person, until he shall have complied with all the provisions of this section; provided, that if any publisher shall comply with the provisions of this section, no additional bond shall

be required of any agent of such publisher.

Sec. 3. Each board of trustees is hereby authorized to contract with the publisher of the books adopted or used in its district, (1) to furnish such books to the board, (2) to an agent or agents designated by the board, (3) to furnish the same in single copies or in quantities sufficient to supply the school, to the trustees or the patrons of the school by express or mail, prepaid on either or all of the ways above provided; provided, that the books furnished in pursuance of such contract shall equal in quality, material and binding the books deposited as samples with the State Superintendent of Public Instruction, and fully equal in both internal and in external qualities to the books now in general use in the State on the respective subjects; and provided further, that the prices stated in said contract shall not exceed the prices given in the statement hereinbefore mentioned filed with the State Superintendent of Public Instruction; and provided further, that the board may designate a dealer or dealers in books to handle the books at such price as may be agreed upon between the board and such dealer or dealers, in no event to exceed the price at which the publisher or agent thereof, or other person, has contracted to furnish said books by mail or express prepaid. It shall be the duty of the board of trustees to keep posted in each school room a list of the adopted books, together with a list of prices of same, giving the prices at which the board, or the agent or agents of the board, will sell the books to the pupils, and also the prices at which the publisher will furnish the books in single copies by mail or express prepaid.

Sec. 4. On the first day of July of each year, the county superintendent, or the county judge, if there is no county superintendent, of each county shall furnish to the State Superintendent of Public Instruction the names of each board of trustees of his county, and on the twentieth day of each July, or as soon thereafter as practicable, the State Superintendent of Public Instruction shall prepare from the records and files of his office a list of all the books proposed to be furnished by each of the publishers who have filed statements as aforesaid, with him, together with the prices thereof, and he shall by mail immediately transmit a copy thereof to each board of trustees in this State. And it shall not be lawful for any

publisher, or agent thereof, or other person, to ask any board of trustees to give, or to contract to give, or for any board of trustees to give, or to contract to give, more for any book than the price thereof as shown upon the said list.

Sec. 5. The State Superintendent of Public Instruction shall carefully label and file away all sample copies of the books so furnished as heretofore provided.

Sec. 6. Upon the filing of any written complaint with the county superintendent of any county, or with the county judge if there is no county superintendent, by any board of school trustees, charging any publisher, agent thereof, or other person, with violating the conditions of any contract that he may have made with the said board under the provisions of this act, the county judge of said county, upon notice of said violation, shall investigate the same, and if he finds probable cause of action he shall in the name of the State of Texas file suit in the district court of his county on the bond of said publisher, or other contracting party, hereinbefore mentioned, and any penalties or forfeitures so recovered from any such party for failure to comply with his contract shall revert to the available school fund of the said county. Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the full amount thereof is recovered, and the board may at any time, after twenty days' notice, require a new bond to be given.

Sec. 7. Hereafter it shall not be lawful for any trustee of any public free school in this State to accept any agency on salary, commission or otherwise, or to receive any sum of money or article of value by way of gift or otherwise from any person, firm, association of persons, or corporation dealing in school books, and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided.

Sec. 8. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$10 nor more than \$100.

Sec. 9. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 10. The crowded condition of the calendar rendering it improbable

that this bill can be considered upon three several days creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Senator Burns moved to suspend pending business to take up substitute Senate bill No. 41 (appropriation bill).

Lost by the following vote (requiring two-thirds):

Yeas—16.

Atlee.	Linn of Victoria.
Beall.	Neal.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Stone.
Greer.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.

Nays—9.

Boren.	Morriss.
Darwin.	Presler.
Goss.	Woods.
Harrison.	Yett.
Linn of Wharton.	

Absent.

Bailey.	Gough.
Bowser.	Rogers.

Excused.

Terrell.	Yantis.
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Pending the reading of the above substitute (Beall's), on motion of Senator Presler, the same was dispensed with.

Pending discussion, by consent the following bill was introduced:

By Senator Harrison:

Senate bill No. 365, a bill to be entitled "An act to donate to the Christian church of Austin, Texas, a certain lot of ground for church purposes."

Read first time and referred to Committee on State Affairs.

Pending action,

On motion of Senator Turney, the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Burns.
Beall.	Colquitt.
Boren.	Darwin.

Dibrell.	Rogers.
Goss.	Ross.
Gough.	Stafford.
Greer.	Stone.
Harrison.	Tillett.
Lewis.	Turney.
Morriss.	Wayland.
Linn of Wharton.	Woods.
Neal.	Yett.
Presler.	

Absent.

Bailey.	Kerr.
Bowser.	Linn of Victoria.

Excused.

Terrell.	Yantis.
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On motion of Senator Rogers, Senator Bailey was excused for to-day and to-morrow on account of important business.

On motion of Senator Greer, Senator Linn of Victoria was excused till next Tuesday on account of important business.

On motion of Senator Stafford, Senator Greer was excused for non-attendance on yesterday on account of sickness.

Senator Turney called up

Senate bill No. 87, a bill to be entitled "An act to amend an act of the regular session of the Twenty-third Legislature, entitled an act to provide for the protection of domestic animals, for the creation of a live stock sanitary commission, rules and regulations, to provide penalties for violating the same, and to make an appropriation to carry out the provisions of this act, approved April 20, A. D. 1893,"

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred by the following vote:

Yeas—23.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Woods.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Boren.	Linn of Wharton.
Bowser.	Wayland.

Excused.

Bailey.	Terrell.
Linn of Victoria.	Yantis.

On motion of Senator Stafford, the regular order of business was suspended to take up on second reading,

Senate bill No. 362, a bill to be entitled "An act to amend article 1537 of chapter 2, title 32, of the Revised Civil Statutes, adopted and established by the Twenty-fourth Legislature in regular session in 1895, relating to the powers and duties of commissioners courts."

Bill read second time, and ordered engrossed.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Boren.	Bowser.
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Excused.

Bailey.	Terrell.
Linn of Victoria.	Yantis.

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Wharton.	Yett.

Nays—none.

Absent.

Boren.	Harrison.
Bowser.	

Excused.

Bailey.	Terrell.
Linn of Victoria.	Yantis.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure for use in the public free schools of this State a series of uniform text-books, defining the duties of certain officers therein named with reference thereto, making appropriation therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"

Action being on Senator Beall's substitute for Senator Ross' amendment (see morning session).

Pending discussion, the following committee reports were made:

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 349, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operations thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Committee on Internal Improvements.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, April 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 318, a bill to be entitled "An act to repeal article 276 of the Penal Code of the State of Texas, relating to the publication of tabular statements of the assets, expenditures and indebtedness of counties."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, April 16, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

House joint resolution No. 20, a resolution to amend article 11 of the Constitution of the State of Texas by adding thereto section 11,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, April 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 365, a bill to be entitled "An act to donate to the Christian church of Austin, Texas, a certain lot of ground for church purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

HOUSE MESSAGE.

The following House message was received:

House of Representatives,

Austin, Texas, April 16, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 263, a bill to be entitled "An act to prohibit persons, firms or corporations engaged in running pool or billiard tables in a public place, or for profit, or agent of such person, firm or corporation, permitting minors in or about their place of business without the written consent of their parents or guardians, and to provide a penalty therefor,"

Also, that the House has concurred in Senate amendments to House bill

No. 40, "An act to repeal article 1277 and to amend article 1278 of the Revised Statutes of Texas, relating to continuances."

Respectfully,
LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bill, No. 263, was read first time, and referred to Judiciary Committee No. 2.

Senator Harrison moved that the Senate take a recess to 8:15 this evening.

Senator Kerr moved to adjourn to 10 a. m. to-morrow.

The Senate adjourned to 10 a. m. to-morrow.

SEVENTY-FOURTH DAY.

Senate Chamber,

Austin, Texas, Saturday, April 17.

Senate met pursuant to adjournment.

President Pro Tem. Dibrell in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Kerr.
Beall.	Lewis.
Burns.	Morriss.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Stone.
Gough.	Wayland.
Greer.	Woods.
Harrison.	

Absent.

Bowser.	Tillett.
Linn of Wharton.	Turney.
Neal.	Yett.
Stafford.	

Excused.

Bailey.	Terrell.
Boren.	Yantis.
Linn of Victoria.	

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: This morning we reverently bow our heads in token of our loyalty to Thee, and pray that Thy presence may be manifest in this chamber. According to the need of each, may divine light and strength be given, that the presiding officer and members may act with wisdom and discretion, firmness and courage. May their deliberations and actions be

wise and cautious, broad and liberal, just and thorough, that the peace and safety and many important interests of this State may be advanced and protected. Bless all the departments of our State government, and especially do we pray Thee to bless Governor Culberson, who is absent from the State. In Thy tender sympathy and loving compassion, remember his sick wife. In Thy grace, so influence and inspire the minds of her physicians that some sweet balm may be found that shall restore her to health. Comfort and sustain them both in this hour of anxiety, and may the guardian angels of the Lord attend their journeying homeward. Bless Lieutenant-Governor Jester in his delicate, difficult and responsible duties as chief executive. We pray for our institutions; our schools and colleges, hospitals and asylums, prisons and reformatories, homes for the orphan, the aged and infirm, the destitute and fallen. We pray for Thy church, the real church, the church of Christ. May the shechinah rest upon it in radiant splendor, militant power, and great billows of salvation, that the gates of hell shall not prevail against it. Bless all those churches that are spending the divine force in warring for Satan, in mutual hindrances, envyings and jealousies. We pray that Christ may again cast out of the temples the sellers of oxen, and even of doves; and that there shall be some places where men may know the lore of divine love, and where the power of God shall be felt in its purity. Though the way seems long and the prospect dark, we beseech Thee to let the angels keep on singing, "Peace on earth, good will to men," until all shall have heard, then feebly imitate and at last love. And with every nation, people and tongue, we will join the glad acclaim, "Praise Father, Son and Holy Ghost." Amen.

Senator Atlee moved a call of the Senate for the purpose of securing a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Kerr.
Beall.	Lewis.
Burns.	Morriss.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Ross.
Goss.	Stone.
Gough.	Wayland.
Greer.	Woods.
Harrison.	